



Austin City Council MINUTES

For FEBRUARY 2, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting that Mayor Pro Tem Shipman, Councilmembers Urdy and Barnstone were not yet in the Council Chamber, but would arrive shortly.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved minutes for the regular meeting of January 26, 1989 and special meetings of January 23 and 24, 1989. (4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Barnstone and Urdy absent.)

CITIZEN COMMUNICATIONS

Mr. Akwasi Evans discussed Council's divestment ordinance. Ms. Anne Harpe discussed financing the new airport. Ms. Shelly Brisbin and Mr. Clifton Griffin talked about public access. Mr. James Allman discussed the upper Waller Creek Floodplain Study. Mr. John Henneberger discussed the problem of racial discrimination in mortgage lending.

SPECIAL PROCLAMATIONS

Mayor Cooke and Councilmember Urdy read, and presented a proclamation to the Austin Area Urban League, proclaiming February 2, 1989 as Austin Area Urban League Day.

Mayor Cooke read a proclamation for the citizens of Adelaide, Australia who were in the Council Chamber to observe the Austin-Adelaide Sister City alliance. Mayor Pro Tem Shipman presented keys to the City to them, as well as City of Austin lapel pins.

ZONING ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmembers Barnstone and Urdy out of the room)

2/2/89

CITY OF AUSTIN
By City of Austin
Planning Department
C14-73-253

Bounded on the
north by Kramer
Lane on the east
by Running Bird
Lane, on the south
by Research Blvd.
and on the west by
F.M. 1325 (part)

From "SF-3"
to "LI"

First reading on February 7, 1974, (7-0). No
conditions to be met.

DAVENPORT LIMITED
Land Strategies, Inc.
Paul Linehan
C814-88-0001

Loop 360 and
Westlake Drive

From "LA"
"SF-2"
and
"I-RR"
To "PUD"

First reading on December 15, 1988, (5-0).
Restrictive Covenants and Phasing Agreement
incorporating conditions imposed by Council have been
reviewed and will be executed by January 26, 1989.

ZONING POSTPONED

Postponed to February 23, 1989 is consideration of second/third
readings for the following:

ELI J. GARZA
By Oak Hill Properties,
Inc.
C14-88-0068 (part)

South MoPac
Expressway and
West William Cannon
Boulevard

From Tr. 1 "DR" & SF-2"
to "GR-CO"
Tr. 2A "DR" &
SF-2" to "GR-CO"
Tr. 5 "DR" & SF-2"
to "GR-CO"
Tr. 6 "DR" & SF-2"
to "MF-2-CO"
Tr. 6A (CWOZ)
"DR" & SF-2" to "RR"

First reading on October 27, 1988, (6-0).
Councilmember Charles Urdy absent. Conditions have
been met as follows: Conditional overlay incorporates
conditions imposed by Council. Restrictive covenant
incorporating conditions imposed by Council has been
executed.

CONSENT RESOLUTIONS - OLD BUSINESS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Davenport Ranch

Authorized a resolution approving a preliminary plan for subdivision of Davenport Ranch. (C814-88-0001).

Nature Preserve

Authorized the purchase of 149.9783 acres of land (Tract A-2) and acceptance of a donation of 64.0232 acres of land (Tract A-1 for a Nature Preserve located adjacent to the Wild Basin Wilderness Preserve.

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

Capital Budget Amendment

Amended the Capital Budget by:

- a. Appropriating \$338,000.00 in the 1987-88 Water and Wastewater CIP Transfer funds to the Dry Creek Lift Station and Force Main Project. C.I.P. No. 85/23-30

General Fund Operating Budget Amendments

Amended the 1988-89 General Fund Operating Budget by:

- a. Disappropriating General Fund revenues of \$551,049.00
- b. Disappropriating General Fund expenditures of \$540,722.00
- c. Appropriating PARD-Softball Fund revenues of \$608,025.00
- d. Appropriating PARD-Softball Fund expenditures of \$558,874.00

Softball

Approved establishing new fees for softball participation.

Speed Zones

Amended the Austin City Code to modify the following speed zones:

Consider amending the Austin City Code to modify the following Speed Zone:

Section 11-2-100 (a) 35 mph

Delete: East St. Elmo Road from East Service Road of IH-35
to Nuckols Crossing Road

Section 11-2-100 (b) 40 mph

Add: East St. Elmo Road from East Service Road of South IH-35
to Nuckols Crossing Road
(Total Cost of Signs \$240.00)

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Release of Easements

- a. Drainage and Public Utility Easements as recorded in Volume 10013, Page 732, Volume 10013, Page 727, Volume 10013, Page 742, Volume 10013, Page 750, Volume 10013, Page 746 land out of and part of the Alexander Walters Survey No. 67 as recorded in Volume 10441, Page 773. (Request submitted by Carlson Engineering on behalf of Mera Bank)
- b. A portion of the drainage and public utility easement out of Lot 4, Blk. H., The Four Seasons, Summer Section, locally known as 11601 February Drive.

License Agreement

Approved a License Agreement for installation and maintenance of underground petroleum pipeline across the City-owned railroad right-of-way at Milepost 54.49 (AU&NW) at an annual fee of \$200.00.

Program Evaluation

Approved the Program Evaluation and Analysis work plan for 1989.

Grant Application

Authorized submission of a grant application in the amount of \$120,266.00 to the State of Texas, Governor's Office, Criminal Justice Division to continue the Anti-Drug Abuse Task Force.

Anti-Drug Abuse

Authorized an extension of the Anti-Drug Abuse Task Force Project period from December, 1988 through June, 1989.

Funding for AIDS Service

Authorized a contract between the City of Austin, Travis County, and AIDS services of Austin, Inc. to update the scope of work and increase the City of Austin's funding from \$97,219.00 to \$136,522.00 for Fiscal Year 1988-89.

Interlocal Agreement

Authorized approval of an interlocal agreement with Travis County for the coordinated provision of services to residents in Austin and Travis County with or affected by the HIV virus.

Wastewater Improvements

Authorized the City Manager to execute a revised agreement regarding the construction of improvements to Travis County/Sunset Valley Wastewater Interceptor System by and between the City of Austin, Guaranty Federal Savings Bank, John D. Bryan and Land Concepts, Inc.

Legal Services

Approved entering into a contract with Bickerstaff, Heath and Smiley for legal services to the Electric Utility related to natural gas matters in an amount not to exceed \$46,400.00.

ITEM POSTPONED

Postponed indefinitely is a resolution to release South 175 feet of a 10 foot wide public utility easement along common property line of Lot 5A and 5B of "Resubdivision of Lot 5 in Houston Street Subdivision" Plat Book Book 36, Page 34, Plat Records, Travis County, Texas.

ITEM CONTINUED

Continued to March 7, 1989 at 5:00 P.M. is discussion and action on University of Texas Brackenridge Tract Proposal for Development and Legislation related thereto.

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the

agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) Docket #8480 - Petition Sharen Schranz, et al
for relief from electric utility rates set by
the City of Austin
- (c) Potential litigation regarding Electricity Supply
Agreement
- (d) Sierra Club vs. FAA #88-1820

2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search
- (b) Appointment of Municipal Court Clerk

RECESS

Council recessed from 3:00 P.M. to 4:17 P.M. for executive session.

STATUS REPORT

John Chitwood presented the Austin Council of Recreation Center Advisory Boards Status Report. There will be an agenda item concerning this on February 9, 1988.

ZONING POSTPONED

Postponed indefinitely is a zoning hearing on case C14-88-0139, Doc Hollidays, located at 6210 U.S. Hwy. 290

ITEM POSTPONED

Postponed to February 9, 1989 is consideration of revisions to the Valley View Contract.

ACQUISITION OF REAL ESTATE FOR NEW AUSTIN AIRPORT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted a resolution concerning acquisition of real estate for the new Austin airport as follows: (5-2 Vote, Mayor Cooke and Councilmember Barnstone voted No.)

WHEREAS, the City Council has determined to build the new Austin Airport at the voter mandated Manor East site; and

WHEREAS, the \$728 million in Airport Revenue Bonds have been authorized by Austin voters to develop the new airport; and

WHEREAS, no property tax revenues shall be used in development or construction of the new Austin Airport; and

WHEREAS, Phase I of the Program Manager Contract involves the completion of the Airport Master Plan, land acquisition and a portion of the design for the project; and

WHEREAS, Council requires financial feasibility for Phase I be demonstrated before land acquisition; and

WHEREAS, land acquisition constitutes a significant portion of Phase I of the Program Manager Contract, and will require issuance of revenue bonds in addition to federal funding; and

WHEREAS, the revenues for debt servicing of the revenue bonds will be generated from the airlines, concessionaires, and other rental users of Robert Mueller Municipal Airport;

NOW, THEREFORE BE IT RESOLVED:

That the City Council approves acquisition of real estate for the new Austin Airport upon review of airport lease agreements and demonstration of sufficient revenues from said charges to provide debt servicing of the revenue bonds for work to be completed in Phase I, in addition to anticipated annual expenses for operation of Robert Mueller Municipal Airport.

Mayor Cooke had offered a friendly amendment, which Mayor Pro Tem Shipman did not accept. Mayor Cooke stated, "I would like to offer a friendly amendment and that would deal with 'now, therefore be it resolved' and it would be stated roughly this way, that the City Council of Austin approves acquisition of real estate for the new Austin Airport subject to the successful renegotiation of airline agreements (approximately 90 days) and which will demonstrate that sufficient revenues and surcharges to provide debt services and the revenues will be available. And I put here, approximately \$75,000,000.00."

AFFIRMATIVE ACTION COMPLIANCE

Councilmember Urdy introduced an item to Council to discuss Affirmative Action Plan compliance, which they did.

DISANNEXATION

Council had before them for consideration an ordinance for disannexation, pursuant to the provisions of SB 962, of certain properties annexed for limited purposes. After discussion the following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved staff recommendation to group annexations for later action, and instructed the City Manager to instruct staff to prepare a report. (4-0 Vote Mayor Cooke, Councilmembers Urdy and Barnstone out of the room.)

ITEM POSTPONED

Postponed to February 7, 1989 is the status report on the Sumiken inquiry.

ITEM APPROVED

Approved at the January 31, 1989 Council meeting was a resolution approving assumptions for use in preparing the Five Year Financial Forecast.

ADJOURNMENT

Council adjourned its meeting at 6:20 P.M.